

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS
LIABILITY LITIGATION

MDL No. 2419
Dkt. No. 1:13-md-2419 (FDS)

THIS DOCUMENT RELATES TO:

All Actions

**JOINTLY PROPOSED AGENDA
FOR THE AUGUST 9, 2013 STATUS CONFERENCE**

The Plaintiffs' Steering Committee, Ameridose LLC, New England Compounding Pharmacy, Inc. (through both the Trustee and counsel), and Official Committee of Unsecured Creditors (through counsel)¹ jointly propose the following agenda for the August 9, 2013 status conference:

1. Status of PSC's discovery efforts
2. Hearing on mediation order: PSC and other parties' positions
 - a. PSC's proposed mediation order [Dkt. no. 375]
 - b. Creditors' Committee and Trustee's joint motion for entry of proposed mediation order [Dkt. no. 374]
3. Scheduling issues: PSC and other parties' positions
4. Conduct of discovery order
5. Sharing of documents received pursuant to subpoenas – access to repositories
6. Proposed Amended Stipulated Protective Order – patient healthcare information
7. Liaison Counsel for Unaffiliated Defendants
8. Multiplaintiff complaints (*i.e. Adair v. NECC*)
9. Pending motions
 - a. Motions to Dismiss
 - i. Alaunus Pharmaceutical, LLC [Dkt. nos. 32, 34, and 95]

¹ All defendants whose counsel have filed notices of appearance in the MDL were provided an opportunity to comment on the agenda.

- ii. Carilion Surgery Center New River Valley LLC [Dkt. no. 178]
 - b. ARL's motion for protective order [Dkt. no. 276]
10. Objections to, and motions to quash, the PSC's subpoenas
- a. PSC's letter to Judge Boal [Dkt. no. 377]
 - b. RBS response to PSC letter [Dkt no. 378]
11. Status of bankruptcy proceedings
- a. Patient information
 - i. July 29, 2013 Order requiring production of some patient information to Trustee, Creditors' Committee, and the PSC by August 16, 2013
 - ii. August 7, 2013 Order (i) denying motions for reconsideration by nine non-party hospitals and clinics and (ii) denying, without prejudice, the motions for stay of the interim order pending appeal as the issue is not yet ripe.
 - iii. Effect of appeal (to be filed by August 21, 2013)
 - b. August 16, 2013: revised notice and patient information due
 - c. August 22, 2013: hearing regarding bar date

Dated: August 8, 2013

Respectfully submitted,

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*Counsel for the Official Committee of
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CERTIFICATE OF SERVICE

I, Thomas M. Sobol, hereby certify that I caused a copy of the above Jointly Proposed Agenda for the August 9, 2013 Status Conference to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's system, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

Dated: August 8, 2013

/s/ Kristen Johnson Parker
Kristen Johnson Parker, BBO # 667261